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C O N F I D E N T I A L SECTION 01 OF 02 SANAA 001316

SIPDIS

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TAGS: PHUM PREL YM KMCC

SUBJECT: HUMAN RIGHTS MINISTER SOSWA ON THE AMINA CASE,  
PRESS LAW AND GTMO

REF: A. SANAA 1244

1B. SANAA 1054

Classified By: Ambassador Thomas C. Krajewski for Reasons 1.4. (b) and (d).

1. (C) Summary: In a May 15 meeting with Ambassador, Human Rights Minister Amat al-Alim Soswa discussed the death penalty case of Amina al-Tuhaif (ref A), the draft press law (ref B) and the recent allegations of Koran desecration at GTMO. End Summary.

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The Saga of Amina al-Tuhaif  
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2. (SBU) Concerning the death penalty case of Amina Ali Abdallah al-Tuhaif, (ref A), Soswa pointed out that Tuhaif's age was only one of several issues that allowed for a stay of execution. She noted that according to Sharia, Tuhaif was likely entitled to a stay until her child, who was born in prison, is considered an adult and afforded the opportunity to pardon her mother. Soswa disclosed that she would likely use this argument to at least delay the execution. Soswa also implied that the case might offer Yemeni legal precedence on the right to a fair trial and defining the age of majority.

3. (C) On Tuhaif's guilt, the Minister noted that Tuhaif personally admitted to her that she and a male relative killed her husband because she, "just didn't like him," although Tuhaif maintains that she did not know what she was doing at the time. (Note: The body of Tuhaif's husband was found mutilated at the bottom of a well. End Note.) Soswa confirmed to Ambassador that Tuhaif, who is "beautiful and manipulative," escaped from prison shortly before her 2002 scheduled execution with the help of five sympathetic prison guards and the Mahawet Prosecutor General. All six were subsequently dismissed from their jobs.

4. (SBU) Soswa revealed that the Ministry of Human Rights (MHR), with President Saleh's personal help, is attempting to resolve the case. "In the end," she observed, the case and its solution were "complex and tribal." Soswa held out hope that Saleh's offer to the victim's family for "Dia'a" would eventually be accepted. (Note: Usually referred to as "blood money," Dia'a is a payment made to a murder victim's family by the murderer's family to allow for his or her exoneration. Should her execution be stayed under Sharia Law as Soswa proposed, the daughter at the age of adulthood would be asked to decide if her mother should be executed for killing her father. End Note.) Soswa also confirmed Tuhaif's legal status by noting that no new execution date has been set.

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Press Law  
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5. (C) On the proposed new press law (ref B), Soswa attributed the current controversy to the ROYG's poor handling of the issue. She noted that the law was "poorly written," and pushed out of the Ministry of Information (MOI) too quickly without taking the necessary time to evaluate and consult with media interests. Soswa also divulged that she herself leaked the proposed law to the press in order to increase transparency.

6. (SBU) Soswa expressed disappointment with the Yemeni Journalist Syndicate (YJS) for always "yelling and screaming but not doing anything." Soswa explained that a new law was indeed necessary to replace other laws (such as those that remain in the penal code) that mandated penalties, including death and imprisonment for speech. In order to increase transparency, Soswa said that she intended to hold a national symposium on the law in the near future.

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GTMO  
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7. (C) On the recent allegations of Koran desecration at Guantanamo Bay (GTMO), Soswa said that she wished the "issue of Guantanamo" would be put to rest "once and for all, despite the extenuating circumstances of 9/11." As to whether or not the ROYG would provide written assurances that

Yemeni GTMO releasees would not be harmed if repatriated, Soswa replied that in her opinion, "the assumption of course is that the assurance is there." She also expressed hope that a ROYG delegation would finally be allowed to travel to GTMO to prepare for an eventual release of Yemeni detainees.

18. (SBU) In response to congratulations for being named one of the Arab World's most influential figures by Arab Newsweek on May 6, Soswa thanked the Ambassador and commented, "It's tough sometimes, but I am still fighting."  
Krajeski